(4)

Before the High Court of Judicature at Jabalpur (M.P.)

WP 5530 /98.

petition under Article 226 & 227 of the Constitution of India for issuance of a Writ of Certiorari and mandamus and any other Writ, direction or oder;

Petitioner: Sukh Singh S/o late Mohanlal Sahu, Security Guard, personnel No.-45687, H.S.C.L. Bhilai, R/o- Village-Rakhi (joba), Post- Deokar, Tahsil- Saja, Distt.- Durg (M.P.):

;Versus;

Respondents:

1. General Manager, Hindustan Steel Works Construction ltd. Bhilai, Distt. Durg (M.P.).
2. Industrial Court of M.P. Raipur Bench, Krishna Sadan, HIG-16, Shankar Nagar, P.O. Raipur.
3. Labour Court, P.O. Durg (M.P.)

The petitioner begs to submit as under ;-

Particulars of the petitioner: As given in cause title.

contd. 2/---

(75)

HIGH COURT OF CHHATTISGARH AT BILASPUR

W.P. No. 5530 of 1998

Petitioner Sukh Singh

Versus

Respondents General Manager & others

SB: Hon'ble Mr. Justice **Satish K. Agnihotri, J**

Smt. Mcra Jayaswal, Advocatc for thc pctitioncr.

Shri H. B. Agarwal, Senior Advocate with Shri Pankaj Agarwal, Advocate for the respondent No.1.

ORDER

(Passed on this 19th day of February, 2007)

The following order of the Court is passed by **Satish K. Agnihotri, J.**

1. The petitioner while working as Security Guard was transferred from Bhilai to Neyveli (Madras) on the same terms and conditions vide impugned transfer order dated 13.4.1993 (Annexure A/3).
2. This Court vide order dated 11.12.1998 declined to grant interim relief.
3. It is well settled principle of law that transfer is an incident of service and it is for the employer to decide as to where a particular officer/employee be posted keeping in view public interest as well as administrative exigency. This Court has limited jurisdiction to interfere in the transfer matter and this Court can interfere only in the case of proved malafide, non-competence of authority passing the transfer order and transfer order not being in conformity with the rules and regulations.
4. Be that as it may, with the passage of time this petition has become infructuous as period of transfer is not applicable forever. The respondents are at liberty to pass appropriate orders keeping in view the public interest and administrative exigency.
5. In view of the above, this petition stands disposed of. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Thakur